



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

September 26, 2021

The Honorable Frank Pallone, Jr.
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

The Honorable Diana DeGette
Chair
Subcommittee on Oversight and Investigations
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

The Honorable Paul D. Tonko
Chairman
Subcommittee on Environment and Climate
Change
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairmen and Madam Chair:

Thank you for your August 16, 2021 letter to the U.S. Environmental Protection Agency (EPA) regarding allegations of numerous violations of scientific integrity by staff and managers in the Office of Chemical Safety and Pollution Prevention (OCSPP).

Since my first day at EPA in January 2021, I have been deeply impressed by—and grateful for—OCSPP staff's integrity, professionalism, and unmatched commitment to public service and the public good. One of my top goals, expressed during my confirmation process and upon joining EPA, is to ensure the highest level of scientific integrity across OCSPP. I have been particularly pleased to see OCSPP career professionals speak strongly in support of scientific integrity. Science is the backbone of our work at EPA, and scientific integrity is a bedrock principle for President Biden, Vice President Harris, Administrator Regan, and me. Scientific integrity ensures that our science is sound and that we earn and maintain the public's confidence in our decision-making.

The allegations highlighted in your letter concern me deeply, as scientific integrity is essential to our work in OCSPP. I am committed to ensuring that these matters are reviewed and fully evaluated. After receiving the document entitled "Congressional Disclosure on Fraud and Corruption in OCSPP" that Public Employees for Environmental Responsibility (PEER) submitted to Representative Ro Khanna, Chair of the Subcommittee on Environment of the House

Committee on Oversight and Reform, I transmitted the document to EPA's Inspector General and EPA's Scientific Integrity Official on July 2, 2021. I made clear in my transmittal that OCSPP is committed to supporting any investigation or other activity that those offices initiate. On July 14, 2021, the Inspector General informed the Deputy Administrator that it planned to initiate an inquiry into EPA's chemical risk assessments conducted under TSCA raised in the PEER document. *See Project Notification Ltr 7.14.21*. The Office of the Inspector General (OIG) is now in the best position to comment on the veracity of the allegations. On August 5 and 31, 2021, I similarly transmitted to the OIG two additional complaints from PEER which relate to the issues raised in the first PEER complaint that I forwarded to OIG in early July. While OIG is considering these complaints, I cannot further comment on the allegations themselves.

Although I cannot discuss the specific allegations, I want to reemphasize that they are very concerning to me and assure you that we are taking steps to identify and address any systemic organizational, cultural, scientific, or managerial weaknesses in OSCPP. For example, OCSPP has engaged an outside vendor that will invite current and past employees in the New Chemicals Division to meet with them (both individually or in groups) to identify workplace barriers, opportunities for improvement, and suggest changes. This work will begin in the coming weeks, and we will use the vendor's report as we consider changes to our policies, practices, organization, and approaches. I commit to keeping you apprised of this and other efforts.

You also requested information about whether OCSPP is considering reevaluating any of its new chemicals' decisions. OCSPP has begun an assessment of a number of previous approaches and practices related to new chemicals decisions, with a particular focus on PFAS, to ensure that these were sufficiently protective of human health and the environment. I commit to keeping you apprised as the results of these efforts become available. In addition, in March and April 2021, OCSPP made several announcements regarding strengthening the review and risk management policies associated with the TSCA New Chemicals program, including ensuring necessary protections for workers through regulatory means.

I also appreciate your letter as an opportunity to engage with you on scientific integrity in OCSPP and inform you about the actions I have taken to demonstrate my commitment to scientific integrity since I joined the Agency in January 2021. After seven weeks at the Agency leading OCSPP—on March 10, 2021—I issued an office-wide memo affirming my commitment to acting with scientific integrity and asserting my expectation that all OCSPP staff, likewise, embody the principles and spirit of scientific integrity in their work with me and each other. I provided concrete examples of the type of situations in our work where I expect scientific integrity to operate at the forefront. I asked staff to engage in robust exchanges of scientific views, give honest assessments in briefings, point out and address errors early and throughout our processes, respect the role of science in risk assessments and risk management, ensure the integrity of scientific products, provide clear and real-time communications with scientists, be mindful of statutory and other deadlines in our regulatory program, and promote an environment where everyone can feel free to express their opinions without fear or political interference. I also identified three specific instances where political interference had compromised the integrity of OCSPP science in recent years: the 2018 dicamba registration decision, the 2020 draft trichloroethylene (TCE) risk evaluation, and the January 2021 perfluorobutane sulfonic acid (PFBS) toxicity assessment. I shared these instances of past compromised scientific integrity alongside the previously noted

examples of good scientific integrity practices to establish a new day of scientific integrity in OCSPP. At this moment of reset at EPA, including within OCSPP, re-establishing science as the backbone of our regulatory decision-making while emphasizing open communication, trust, and transparency is of the utmost importance. All of us in OCSPP are responsible for ensuring the scientific integrity of our work, and all of us are responsible for creating a work environment where everyone feels free to speak up and engage on issues without fear.

Following my March 10 email, OCSPP began an office-wide effort to re-establish scientific integrity as a core value in OCSPP's work and culture. We have since held office-wide and small-group trainings on scientific integrity issues, emphasized the need to have sound science bases for all our science decisions, and explained the importance of transparently communicating to staff and managers the reasons for any changes to scientists' work. We have highlighted the process for presenting and considering Differing Scientific Opinions and begun to facilitate resolutions of these types of scientific disagreements.

Building on this work, we are planning to hold office-wide whistleblower protection trainings in OCSPP as well. Protecting the rights of federal employees is a focal point of President Biden's agenda, as outlined in Executive Order 14003. I am committed to protecting employee rights, including the right of all OCSPP staff to be free from prohibited personnel practices and retaliation for whistleblowing. Administrator Regan issued a statement to the EPA workforce on April 29, 2021, regarding whistleblower protection. The purpose of his memorandum was to ensure the Agency's employees are aware of and understand the prohibited personnel practices and whistleblower protections available to them as federal employees. Like Administrator Regan, I support EPA employees' rights to make lawful disclosures to anyone, including management officials, EPA's Inspector General, Congress, or the Office of Special Counsel. I remain committed to making sure all OCSPP employees are aware of their rights as well as the safeguards in place to protect them. I am currently exploring ways to highlight these rights and protections in OCSPP as part of my commitment to restoring the role of law and scientific integrity at EPA.

Thank you again for your letter and interest in these issues. As I have said many times in many forums, restoring scientific integrity and empowering employees in OCSPP are incredibly important to me. I look forward to continued engagement with your offices as we endeavor to re-earn and maintain the public's confidence in our decision-making.

If you have any questions, please contact me or Kristien Knapp in the Office of Congressional and Intergovernmental Relations at Knapp.Kristien@epa.gov or (202) 564-3277.

Sincerely,

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FREEDHOFF

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Date: 2021.09.26 12:26:26 -04'00'

Michal Freedhoff, PhD
Assistant Administrator

Enclosures